

REMARKS/ARGUMENTS

In an Office Action mailed May 16, 2006, the Examiner objected to claims 8-14 and rejected claims 1-14. The Examiner objected to claims 8-14 based on alleged "informalities." Applicant disagrees. The Examiner rejected claims 1-5 as allegedly failing to comply with the written description requirement. Applicant respectfully disagrees. The Examiner rejected claim 9 under Section 112. Applicant respectfully submits that amended claim is allowable. The Examiner rejected claims 1-14 under Section 102 as allegedly anticipated by US 6,122,737 (Bjorn). Applicant respectfully disagrees. For the reasons given below, Applicant requests that the Examiner withdraw all objections and rejections and allow pending claims 1-14. Applicant also requests that the Examiner enter and allow new claims 15-18.

Objections:

In the Office Action, the Examiner objected to claims 8-14 for various reasons. Applicant respectfully disagrees with the Examiners stated reasons for objection.

Claim 8:

The Examiner objected to claim 8 because it recites, "further comprising steps performed by said host computer (12), said steps comprising:" Applicant respectfully submits that the Examiner did not state a reason for objecting to the claim language. Applicant respectfully submits that the cited language of claim 8 is not objectionable. Applicant respectfully requests that the Examiner withdraw the objection.

Claim 9:

The Examiner objected to claim 9 on the ground that it recites, "further comprising steps performed by said remote computer (20), said steps comprising:" Applicant respectfully submits that the Examiner did not state a reason for objecting to the claim language. Moreover, Applicant respectfully submits that the claim language is not objectionable. Applicant respectfully requests that the Examiner withdraw the objection.

Claims 10 and 12-14:

The Examiner objected to claim 10 on the ground that claim number 10 was allegedly repeated. The Examiner further objected to claims 12-14 as depending on an allegedly non-existent claim 11. Applicant respectfully disagrees.

Applicant respectfully submits that the claims as originally filed included fourteen claims, each consecutively numbered and without repeating claim number 10. In a telephone conversation held May 24, 2006 and counsel for the applicant, the Examiner acknowledged that claim 10 was not repeated. Applicant respectfully submits that the Examiner may have mistakenly relied on the numbering of claims as set out in the PCT Patent Application Serial No. PCT/US00/10415, filed April 18, 2000, a copy of which was filed with this application and from which this application claims priority. Applicant respectfully submits that the Examiner may also have mistakenly relied on the text of claim 6 as set out in the PCT application in rejecting claims 6-10, as discussed further below.

Applicant respectfully submits that claims 1-14 in the claim listing filed herewith does not include a repeated number 10. Applicant respectfully requests that the Examiner withdraw the objections to claims 10 and 12-14.

Claim Rejections – 35 USC Sec. 112:Written Description:

In the Office Action, the Examiner rejected independent claims 1 and 11 as allegedly failing to comply with the written description requirement. The Examiner further rejected dependent claims 2-5 and 12-14 as being dependent on allegedly unpatentable claims 1 and 12, respectively. Applicant respectfully disagrees.

Applicant respectfully submits that claims 1-5 and 11-14 do not violate the written description requirement because the subject matter is fully supported in the disclosure. Moreover, the subject matter of those claims is fully supported in the application as filed, at least at original claims 1-5 and 11-14. The MPEP, at 2163.I states that, “a satisfactory description may be in the claims or any other portion of the originally filed specification.” MPEP 2163.I (emphasis added) (citing In re Koller, 613 F.2d 819, 204 USPQ 702 (CCPA 1980) (original claims constitute their own description); In re Gardner, 475 F.2d 1389, 177 USPQ 396 (CCPA 1973); In re Wertheim, 541 F.2d 257, 191 USPQ 90 (CCPA 1976). Moreover, page 17, lines 21-24 of the specification states, “the trusted sensor 14 includes a public key 28 and private key pair for each biometric template 26 . . . stored in the trusted sensor 14.” See also FIG. 3. Applicant respectfully requests that the Examiner withdraw the Section 112 rejection of claims 1-5 and 11-14.

Claim 9:

Applicant respectfully submits that amended claim 9 is not indefinite for lack of antecedent basis. Applicant respectfully requests that the Examiner withdraw the Section 112 rejection of claim 9.

Claim Rejections – 35 USC Section 102:Claims 1-5:

Applicant respectfully submits that the Examiner has failed to establish a prima facie case of anticipation with respect to claims 1-5. The Examiner has failed to identify portions of Bjorn which disclose all of the limitations of claims 1-5. Moreover, Bjorn does not disclose all of the limitations of claims 1-5. For example, Bjorn does not disclose at least the following limitations of claims 1-5:

“ . . . a data memory coupled to said microprocessor and configured to hold . . .
a biometric public key private key pair corresponding to each of said
plurality of templates, and a manufacturer public key and private key pair;
and
a functions section coupled to said microprocessor, said functions section
comprising:
a cryptographic library module storing one or more public key private key
encryption functions”

as recited in claim 1 and incorporated into dependent claims 2-5.

In support of the rejection, the Examiner refers to Bjorn 4:21-25 and 44-47. Bjorn states, “[d]ata storage unit 255 stores intermediate values of prints, templates, sums, session keys, permanent sensor signature, and similar data.” 4:23-25 and, “[s]ecurity unit 275 in the sensor 250 corresponds to the security unit 230 in the digital system 210. However, it may further store the private key of the sensor, its signature, in a tamper-proof environment.” 4:44-47. Bjorn does not disclose “a biometric public key private key pair corresponding to each of said plurality of templates” and does not disclose “a cryptographic library module storing one or more public key private key encryption functions” as recited in claim 1 and incorporated into dependent claims

2-5. Applicant respectfully requests that the Examiner withdraw the Section 102 rejection of claims 1-5.

Claims 6-10:

Applicant respectfully submits that the Examiner failed to establish a prima facie case of anticipation with respect to claims 6-10. The Examiner failed to establish that Bjorn discloses all of the limitations of claims 6-10. For example, the Examiner failed to provide any showing that Bjorn discloses at least the following limitations:

“ . . . determining whether said biometric information from said image capture device matches an enrolled biometric template stored in said trusted sensor;

when the biometric information from said image capture device does match said enrolled biometric template stored in said trusted sensor, then: selecting . . . receiving . . . encrypting . . . and sending . . . ; however,

when the biometric information from said image capture device does not match said enrolled biometric template stored in said trusted sensor, then deny access to the key pairs and cryptographic library module.”

as recited in Claim 6 and incorporated into dependent claims 7-10. The Examiner's argument in support of the rejection of claims 6-10 does not include an express finding that Bjorn discloses the above-quoted limitations. Moreover, the Examiner apparently mistakenly examined the text of claim 6 as it appeared in the PCT Application, not on the text of the claim as filed. The text of claim 6 as it appeared in the PCT Application did not include the above-quoted limitations. Applicants respectfully request that the Examiner withdraw the Section 102 rejection of claims 6-10.

Applicants respectfully submit that Bjorn does not disclose every limitation of amended claims 6-10. For example, Bjorn does not disclose at least the following limitations of claims 6-10:

“ . . .selecting a public key and private key pair corresponding to said enrolled biometric template, said public key and private key pair stored in said trusted sensor”

as recited in Claim 6 and incorporated into dependent claims 7-10. In support of the rejection, the Examiner refers to Bjorn 4:44-47. Bjorn states, “Security unit 275 in the sensor 250 corresponds to the security unit 230 in the digital system 210. However, it may further store the private key of the sensor, its signature, in a tamper-proof environment. Bjorn does not disclose “selecting a public key and private key pair corresponding to said enrolled biometric template, said public key and private key pair stored in said trusted sensor” as recited in claim 6 and incorporated into dependent claims 7-10. Claims 6-10 also include additional limitations which further distinguish claims 6-10 over Bjorn. Applicant respectfully requests that the Examiner withdraw the Section 102 rejections of claims 6-10.

Claims 11-14:

Applicants respectfully submit that the Examiner has failed to establish a prima facie case of anticipation with respect to claims 11-14. Bjorn does not disclose each and every limitation of rejected claims 11-14. For example, Bjorn does not disclose at least the following limitations of claims 11-14:

“ . . . a trusted sensor coupled to said biometric image sensing means and said host computer, said trusted sensor including a microprocessor, and a data memory including a plurality of

biometric templates, each of said plurality of biometric templates having a biometric template public key and private key pair and a manufacturer public key and private key pair”

as recited in claim 11 and incorporated into dependent claims 12-14.

In support of the rejection, the Examiner refers to Bjorn 3:37-56; 4:44-47 and 5:1-

40. Bjorn states, for example:

“Security unit 275 in the sensor 250 corresponds to the security unit 230 in the digital system 210. However, it may further store the private key of the sensor, its signature, in a tamper-proof environment.”

Bjorn 4:44-47; and

“[T]he actual fingerprint recognition process may be distributed over a plurality of systems 320, 340, 350. Such a distributed processing may be used for accessing remote data through a network. Because neither the server 340, nor the other systems 350 are secure, for security purposes final matching may be done in the sensor 310. This would be accomplished by sending the processed data back to the sensor 310. Thus, the sensor 310 receives matched elements, and the original fingerprint. Verifying that the matched elements truly match the original fingerprint is a process which may be accomplished in the sensor 310. Thus, the sensor 310 may send out the final matched/not matched signal, thus creating a secure system over an insecure network 330.”

Bjorn 5:2-15. Bjorn does not disclose, “said trusted sensor including . . . a data memory including a plurality of biometric templates, each of said plurality of biometric templates having a biometric template public key and private key pair and a manufacturer public key and private key pair” as recited in claim 11 and incorporated into dependent claims 12-14. Claims 11-14 also include additional limitations which further distinguish

claims 11-14 over Bjorn. Applicant respectfully requests that the Examiner withdraw the Section 102 rejection of claims 11-14.

New Claims 15-18:

Applicant respectfully requests that the Examiner enter new claims 15-17. Applicant respectfully submits that new claims 15-17 are supported in the specification as filed, at least at original claims 6-10. Applicant respectfully submits that new claims 15-17 are not unpatentable over Bjorn. Bjorn does not disclose, teach or suggest all of the limitations of claims 15-17 at least because they depend from allowable claim 10.

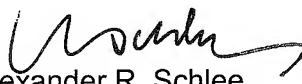
Applicant respectfully requests that the Examiner enter new claim 18. Applicant respectfully submits that new claim 18 is supported in the specification as filed, at least at original claim 1. Applicant respectfully submits that new claim 18 is not unpatentable over Bjorn. Bjorn does not disclose, teach or suggest all of the limitations of new claim 18. For example, Bjorn does not disclose, teach or suggest at least, “a data memory coupled to said microprocessor, wherein the data memory is configured to hold a plurality of templates representing enrolled biometric information, a biometric public key private key pair corresponding to each of said plurality of templates, and a manufacturer public key and private key pair.”

Conclusion:

Applicant respectfully requests that the Examiner withdraw all of the objections and rejections to amended claims 1-14, enter new claims 15-18 and allow all pending claims 1-18.

Respectfully submitted,

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for:
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